IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 32430 of 2006(I)

PETITIONER:

1. N.GOPALAKRISHNAN NAIR,
   "ASWATHY", MYLACAU P.O.,
   KOTTIYAM, KOLLAM.

2. D.ANANDAM,
   SMITHALAYAM, (ENCHANIYIL VEEDU),
   THAZHUTHALA, KANNANALLOOR P.O.,
   KOLLAM.

BY ADV. SMT.S.K.DEVI
SRI.SANTHOSH P.ABRAHAM

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
   CIVIL STATION, KOLLAM.

2. THE SPECIAL TAHSILDAR (L.A.),
   K.I.P. NO.I, KOTTARAKKARA, KOLLAM,
   NOW AT KOTTIYAM.

3. STATE OF KERALA, REPRESENTED BY
   THE PRINCIPAL SECRETARY,
   FINANCE DEPARTMENT, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE JUDGMENT DTD. 18/12/1997 IN LAR.NO.174/89 OF THE PRL. SUB JUDGE, KOLLAM.

EXT.P2 TRUE COPY OF THE APPLICATION FILED U/S. 28A OF THE ACT BY THE IST PETITIONER DTD. 18/12/1998 BEFORE THE IST RESPONDENT.

EXT.P3 TRUE COPY OF THE APPLICATION FILED U/S.28A OF THE ACT BY THE 2ND PETITIONER DTD. 18/12/1998 BEFORE THE IST RESPONDENT.

P.R.RAMAN,J.

W.P.(C).NO.32430 OF 2006

Dated this the 2nd day of February, 2007

JUDGMENT

The contention of the petitioners is that their land was acquired as per Section 4(1) of the notification. No reference application was made under Section 18 of the Act. Subsequently, claiming the benefit of the judgment Ext.P1 rendered in a similar case, they have preferred applications Exts.P2 and P3 under Section 28A of the Land Acquisition Act. The prayer is for a direction to dispose of the applications, in accordance with law.

2. Counter affidavit is filed by the 2nd respondent, wherein it is stated that as regards the lst petitioner is concerned, the land was not acquired under the same notification and as regards the 2nd petitioner

is concerned, the claim is being processed.

3. In the circumstances, there will be a direction to the lst respondent to consider and dispose of the applications in accordance with law, as expeditiously as possible, at any rate within a period of two months.

Writ Petition is disposed of as above.

Petitioners shall produce a copy of this judgment before the lst respondent for information and compliance.

P.R.RAMAN,
Judge.

kcv.